

**From:** [Kanellis, William G. \(CIV\)](#)  
**To:** [Noam Biale](#)  
**Cc:** [Murphy, Lindsay M. \(CIV\)](#); [Alexandra Conlon](#); [Alexander A Abdo](#); [Courtney Gans](#); [jameel.jaffer](#); [Michael Tremonte](#); [Ramya Krishnan](#); [scott.wilkens](#); [Busen, Jesse \(CIV\)](#); [Hennes, Stefanie \(CIV\)](#); [Kanter, Ethan \(CIV\)](#); [Moss, Benjamin M. \(CIV\)](#); [Santora, Victoria M \(CIV\)](#); [Stone, Paul \(CIV\)](#); [Strokus, Jessica D. \(CIV\)](#); [Yen, Shawna \(USAMA\)](#)  
**Subject:** Re: [EXTERNAL] Re: AAUP v. Rubio - Various Outstanding Items  
**Date:** Tuesday, June 10, 2025 6:20:32 PM

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Noam, who are your other witnesses? Are you only calling two? And where are these witnesses located? We need to make travel and office space arrangements before next week. Thanks.

Sent from my iPhone

On Jun 10, 2025, at 5:29 PM, Noam Biale <[NBiale@shertremonte.com](mailto:NBiale@shertremonte.com)> wrote:

Lindsay,

The Court's order of today does not cover information we provide you in discovery. We need an additional protective order for that. We sent our draft protective order on May 10. You have declined to agree to its terms and have now gone back on provisions to which you previously agreed. In addition, we sent you our document requests on May 13. You have provided no response to those requests. You are now giving us one hour to respond before you say you will file a motion to compel. If you think based on this record you have a meritorious motion, go ahead.

That being said, we are prepared now to disclose two of our witnesses who are citizens: Veena Dubal and Asli Bali. Ms. Bali just had a death in the family and may not be available next week.

On the protective order, I think it would be helpful for the court to indicate the provisions where we do have agreement and make clear what is left for the court to decide. Do you disagree with that approach?

Noam

<Image.jpeg>

**Noam Biale**

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**From:** Murphy, Lindsay M. (CIV) <Lindsay.M.Murphy@usdoj.gov>

**Sent:** Tuesday, June 10, 2025 4:51:30 PM

**To:** Noam Biale <NBiale@shertremonte.com>; Alexandra Conlon <Aconlon@shertremonte.com>

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**Subject:** RE: AAUP v. Rubio - Various Outstanding Items

Hi Noam,

The stipulation re government statements looks good to file.

We'll mark our calendars for Thursday at 2pm. But in light of the Court's order this afternoon on Plaintiffs' witness protective order motion, we expect Plaintiffs to disclose the identities and locations of your witnesses by 6pm today so that we may make the necessary arrangements. Otherwise, we will move to compel.

On the protective order, we wanted to clarify that Plaintiffs aren't intending to file it as a request to enter a stipulated order. Given our objections to the provisions referenced earlier, Defendants do not stipulate to it and expect to respond to the motion for a protective order that we presume you'll be filing.

Thanks for your agreement on our proposed clawback order. We'll take care of getting that filed.

Lindsay

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**From:** Noam Biale <NBiale@shertremonte.com>

**Sent:** Tuesday, June 10, 2025 3:31 PM

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**Subject:** [EXTERNAL] RE: AAUP v. Rubio - Various Outstanding Items

Thank you. Here is the signed stipulation with the numbering issue you pointed out corrected. We will ask the Court to so-order it.

Regarding the meet & confer, today does not work but your proposed time of 2 PM on Thursday works (for those of us not participating in the depositions). Why don't we plan to discuss the pretrial memorandum and your RFPs and Rgs at that time?

Regarding the protective order, we are going to go ahead and ask the judge to enter it and will note your objections to paragraphs 3, 6(h), 7, and 10.

We are fine with your change to the clawback order (but cut the "the" before "either").

<image001.jpg> **Noam Biale**  
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**From:** Murphy, Lindsay M. (CIV) <[Lindsay.M.Murphy@usdoj.gov](mailto:Lindsay.M.Murphy@usdoj.gov)>

**Sent:** Tuesday, June 10, 2025 12:13 PM

**To:** Noam Biale <[NBiale@shertremonte.com](mailto:NBiale@shertremonte.com)>; Alexandra Conlon  
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**Subject:** RE: AAUP v. Rubio - Various Outstanding Items

Apologies -- I neglected to attach the signed stipulation re government statements to my last message. It's attached here.

Lindsay

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**From:** Murphy, Lindsay M. (CIV)

**Sent:** Tuesday, June 10, 2025 12:10 PM

**To:** Noam Biale <[NBiale@shertremonte.com](mailto:NBiale@shertremonte.com)>; Alexandra Conlon  
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**Subject:** RE: AAUP v. Rubio - Various Outstanding Items

Hi Noam

Please see our answers in green to your requests below. If you'd like to meet and confer about Defendants' discovery requests today, we can be available between 12:30pm and 2pm or between 4 and 5pm.

Thanks,  
Lindsay

---

**From:** Noam Biale <[NBiale@shertremonte.com](mailto:NBiale@shertremonte.com)>

**Sent:** Monday, June 9, 2025 9:26 PM

**To:** Murphy, Lindsay M. (CIV) <[Lindsay.M.Murphy@usdoj.gov](mailto:Lindsay.M.Murphy@usdoj.gov)>; Alexandra Conlon

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**Subject:** [EXTERNAL] AAUP v. Rubio - Various Outstanding Items

Dear Lindsay:

In no particular order, here are responses and outstanding requests on various pending issues:

1. Pre-trial deadlines – the local rules require us to meet and confer on a joint pretrial memorandum 14 days before the pretrial conference (which would be 6/12) and file the memorandum no later than 7 days before the conference (which would make it due on 6/19). We think it makes sense to have the meet and confer on schedule but are anticipating that we will want to ask jointly for more time to file the memorandum, since it includes things like witness and exhibit lists that we are unlikely to have in final form by the 19<sup>th</sup>. Let us know if that works for you. **Sure. Let's meet on 6/12 to discuss. Would 2pm work for you?**
2. Protective Order – we attach the latest version of the protective order. We propose to drop our request for paragraph 10 in exchange for you accepting our addition to paragraph 3. We can then highlight paragraph 7 – the record-keeping provision – as the only point of disagreement for the Court to resolve. If that is satisfactory, please let us know and we will file this indicating that most of it is on consent and moving on the record-keeping provision. **Please see our comments in the attached. We are at an impasse on paragraph 7; Plaintiffs' edits to paragraph 3 render the provision too broad for Defendants to be able to agree; also, in re-reviewing the draft, Defendants cannot agree to paragraph 6(h) as written– to the extent that any filings containing PII are submitted in camera, Defendants do not agree to waive privilege in order for non-parties to the litigation to review their PII. Filing the documents containing PII under seal or in camera should sufficiently safeguard that information. Defendants have already indicated that it is the government's practice to redact PII from filings where**

necessary and would be willing to consult with Plaintiffs' counsel on appropriate PII redactions for any public filings.

3. Stipulation re Statement of Government Officials – we have accepted your proposed changes and are attaching a signed version. Please send it back to us with your signature. Signed version attached. Note that the statement numbers jump from 21 to 23 (22 is skipped). We're happy to sign again if you wanted to correct the numbering.
4. Clawback agreement – we are awaiting your responses to our proposed edits. Attached with one edit to paragraph 5 for Plaintiffs' review.
5. Administrative Record and Plaintiffs' outstanding discovery requests – two items:
  - a. On May 29, we requested that you send us the attachments referenced in the administrative record and the two specific documents we asked for concerning Ms. Ozturk. Please provide these immediately or explain why you are declining to do so. Defendants have reviewed these documents and determined that they are subject to law enforcement privilege and deliberative process privilege; we will be submitting them in camera and ex parte for the court's review only.
  - b. You also told us that you would get us responses and objections to our RFPs and Interrogatories by the end of last week or beginning of this week. When will you provide those? Defendants are working on finalizing these as quickly as we can; we intend to provide our responses/objections by Wednesday.
6. Defendants' discovery requests – we would like to schedule a meet and confer to discuss your discovery requests. Please let us know when you have time in the next couple of days for this. We can meet today between 12:30 and 2pm or between 4pm and 5pm. Let us know if you're free during either of those time blocks.
7. Depositions of Defendants' witnesses – four items:
  - a. Alex Conlon from my firm will take the depositions. Her PHV application is still in process. Please let us know if you consent to her taking the depositions. No objection from Defendants.
  - b. When is the next earliest date Watson is available to be deposed? It is not reasonable to push the ruling from the Court back and then not be at all flexible on the deposition dates. Mr. Watson has arranged his schedule to be available for a deposition tomorrow, at Plaintiffs' request, as has our trial team. If you don't plan to depose him

tomorrow, we'll consider Plaintiffs to have waived that opportunity.

- c. Unless you have a ruling granting your motion for a protective order by Wednesday AM, you should provide documents and responses to interrogatories concerning both deponents. At a minimum, you must provide all documents related to them or for which they are custodians that you do not contend are covered by the deliberative process privilege. We're working as quickly as we can to get these finalized and over to you before tomorrow's depositions.
  - d. Please also provide us with the names, titles, and roles of other relevant officials, as we have repeatedly requested, so we may notice their depositions. We're working as quickly as we can to identify the relevant officials.
8. Depositions of Plaintiffs' witnesses – We will provide the names of the witnesses we currently plan to call (we are still finalizing our list) immediately upon entry of the protective order and pending a ruling on our non-retaliation order and then will work with you to schedule their depositions. Plaintiffs know who their witnesses are, so there should not be an issue with providing that information. At the very least, Plaintiffs should immediately provide us with the cities where your witnesses will be next week so that we can arrange for travel and court reporters.

Regards,  
Noam

<image005.jpg>

**Noam Biale**

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